

## APPROVED MINUTES

September 8, 2014

Kittery Town Council

Council Chambers

1. Call to Order: Chairperson Thomson called the meeting to order at 7:00 p.m.
2. Introductory: Chairperson Thomson read the introductory.
3. Pledge of Allegiance: Chairperson Thomson led those present in the Pledge of Allegiance.
4. Roll Call: Answering the roll were Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Russell White, Judith Spiller, Jeffery Brake and Chairperson Jeffrey Thomson.
5. Agenda Amendment and Adoption: Hearing none, Chairperson Thomson declared the agenda accepted as presented.
6. Town Manager's Report:

Town Manager Colbert Puff reported that she had advertised for bids on the Town Hall roof repair/replacement project and thanked Fire Chief David O'Brien for his help on the specifications. She said a walk through is scheduled for Thursday and the bid opening is September 22<sup>nd</sup>.

Town Manager Colbert Puff said that Eastern Equine Encephalitis (EEE) was found in York and she contacted the inspectors who advised that the town keeps doing what they are doing. She said that regularly testing is being conducted in Kittery and they use larvacide in nesting areas.

Town Manager Colbert Puff said she received notification by e-mail when EEE is in the area, which also goes to the School Department, and she has been getting reports every month.

Town Manager Colbert Puff said she has been compiling information for the Town Council's workshop with the Port Authority on Monday, the 15<sup>th</sup>, and she spoke with the Town Attorney regarding term limits. She said she also spoke with someone in the Attorney General's office regarding potential training relating to civil rights and diversity and she will suggest a date for someone to come here to speak with board and committee members.

Councilor Spiller asked if she could add something to the list, that is a discussion on fees and how they are collected. She said she understands there are two stamps.

Town Manager Colbert Puff said that Town Clerk Maryann Place is checking on the issue of stamps and the Harbor usage fee.

Town Manager Colbert Puff said she has asked the Planning Office to review whether or not the Shoreland Zoning ordinance needs to be amended to include the removal of the invasive plants.

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Town Manager Colbert Puff said she will meet with David Tibbetts from the Rachel Carson Wildlife Refuge next week to discuss strategies to halt or contain the spread of the invasive species, such as training the Dept. of Public Works on how to identify and remove these plants.

Town Manager Colbert Puff said she will be participating in the Harbor Master interviews next week.

Town Manager Colbert Puff said that MDOT will be hosting an open house at the Kittery Community Center on Sept. 18<sup>th</sup> from 4-8 pm on the Sarah Mildred Long Bridge project and will be here in the Council Chambers on Thursday, Sept. 25<sup>th</sup> to meet with the Planning Board, Town Council and members of the public to receive specific comments on the final design of the project.

Town Manager Colbert Puff said that she will be attending the ICMA Conference from Sunday, September 14<sup>th</sup> through Wednesday, September 17<sup>th</sup>.

Town Manager Colbert Puff reported that they are still conducting interviews for the foreman position, which has been a long search, to replace Norm Albert.

Town Manager Colbert Puff reported that the annual Seacoast Century bike ride will be held Sept. 21<sup>st</sup> and 22<sup>nd</sup> and the bikers will be coming up from Newburyport on their way to York.

Town Manager Colbert Puff said that the Thresher Memorial Video premiered last night and is the first program on Channel 22 that does not deal with Boards and Committees. She said the program will be run throughout the week.

Chairperson Thomson asked if all boards and committees are meeting on their prescribed schedule and wanted to know if they are taking minutes, where are they kept.

Town Manager Colbert Puff replied that the Town Clerk is the repository for all town Board minutes and asked Maryann Place if she had anything to add.

Ms. Place responded that she has contacted all chairs of the Boards and Committees and sent them an Excel spreadsheet, asking them where they meet, if their agenda is posted and to send the minutes to me. She also inquired if they are capable of sending her the minutes electronically, who is the Board's person responsible for taking the minutes and their contact information. She said she has been getting answers back. She said she is getting the process going so everyone is on the same page.

Chairperson Thomson asked Councilor Denault if this information is what he is looking for.

Councilor Denault replied once the list is compiled he would like that information and mentioned this is a mandate that it is done, not will be done. He was satisfied that they are going in the right direction.

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Councilor Denault said it was an excellent program (on Channel 22) but he received comments from some people saying they did not know that the program was aired. He wanted to know if the town was working on some sort of a TV Guide that would let citizens know of programs being aired.

Town Manager Colbert Puff said they did have a slide show preview of the program and it will air the rest of the week.

Councilor Denault said he had mentioned this before, but wanted to know why can't they have a spot for a TV Guide that lists the programs for the week.

Town Manager Colbert Puff said she has been working on that idea and that other towns have a live feed on their website.

Vice Chair White asked if DOT was coming before the Council on September 18<sup>th</sup>.

Chairperson Thomson replied that is the meeting with the stakeholders at the Community Center. He said that DOT will be meeting with the Town Council on the 25<sup>th</sup>.

Vice Chair White wanted to confirm that the Council will be having a special meeting on September 18<sup>th</sup> to set the tax rate.

Chairperson Thomson said that is correct.

7. Acceptance of Previous Minutes: none
8. Interviews for the Board of Appeals and Planning Board - none
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

The Kittery Town Council moves to receive an update from Norman Albert, Commissioner of Public Works, on the Memorial Circle.

Chairperson Thomson said that this is enshrouded in mystery and they are curious as to what it is. He said he thinks they know what it is and asked Mr. Albert to enlighten them.

Norm Albert came to podium and reported they have been meeting with KACTS, DOT and Wright-Pierce to discuss ways to reduce the cost of the project because the budget has been over estimated and the next meeting is September 15<sup>th</sup> in Portland. He said they need to continue to discuss strategies to get the cost down. He said Council previously received this information.

Chairperson Thomson asked Mr. Albert exactly what is their goal and what are they looking to do.

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Mr. Albert replied they want to redo the traffic circle, and the on/off ramps leading into the circle and align them to slow traffic coming into the circle. He said they also will have a shared pedestrian – bike path. He said they wanted to re-align Rogers Road Extension and the turn by Sunrise Grill, but due to the cost, they are eliminating that part of the project.

Mr. Albert said there will also be a connecting sidewalk from Sunrise Grill to the old Police Dept. building.

Chairperson Thomson asked if this project is changing the down ramp or the off ramp.

Mr. Albert replied they are changing the closure to the Rte. 236 on ramp, in that it will not be on Old Post Road, it will be on the circle.

Chairperson Thomson asked if it was going before the Planning Board.

Mr. Albert answered that once they get through the complete design package, yes it will go before the Planning Board, and Town Council as well as holding a public hearing.

Mr. Albert said they have to get the budget reduced first or they won't get any money from MDOT.

Councilor Spiller said she has been monitoring the Planning Board meetings and wanted to know if they have been involved.

Mr. Albert replied yes, that Town Planner Gerry Mylroie is on the KACTS Committee.

Councilor Spiller said she is assuming that he is reporting back to the Planning Board.

Chairperson Thomson said he knows there have been questions about the sidewalks going nowhere and asked if it will be going around the circle and back up Rogers Road.

Mr. Albert replied that was part of the initial project, but due to the width of Rogers Road, and how narrow it is by the cemetery, they will not be including the sidewalk as part of the project.

Councilor Denault wanted to know if the sidewalk will end at the Community Center.

Mr. Albert responded yes.

Councilor Denault asked if it will ever be connected or approved.

John Edgerton from Wright-Pierce said he could review the sequence of slides contained in the information provided to Council, but four years ago, when the project was first identified, DOT said allocations would be through KACTS. He said the original scope included work on Adams and also the extension on 236 to the Community Center as well as the Traffic Circle.

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Mr. Edgerton said, based on the initial meetings with the Planning Board, they talked about the pedestrian aspects but the piece on Adams was eliminated and south on Rte. 236 from the circle, due to complications involving the cemetery, on the east side. Mr. Edgerton said they would have tried to do that segment using Federal funds, but they will not be able to move the cemetery, so that part was taken out of the project.

Mr. Edgerton said the circle and the pedestrian/bike path are two different things. He said the traffic circle is being re-aligned based on safety issues. He said reports have been done showing locations within the circle that have high crash incidents, which is access and egress points leading into the circle. He said the project is 90% funded by MDOT and Federal funds with 10% coming from the town and noted the \$273,000 adjustment to the project.

Mr. Edgerton said because they are using State and Federal funds, there is a procedure they have to follow. He said the design has been approved by MDOT for the Traffic Circle project. He said an outside Peer Review Consultant was hired and they went through that process. He said they are trying to close the \$273,000 gap, which is what will be discussed next Monday.

Mr. Edgerton said they are completing the preliminary design plan and then it goes back to the Planning Board. He said there is the environmental piece, which has to be signed off on by DOT, which is part of the Preliminary Design report. He said there is the right-of-way process which must be followed, and as soon as that is underway, they can finish the construction documents and go out to bid.

Mr. Edgerton said the town can expect construction to begin in the Fall of 2015 or Spring 2016 and that the process takes a long time.

Councilor Denault asked when would this process be wrapped up.

Mr. Edgerton responded it should be completed by next summer.

Councilor Denault was concerned about the rate of inflation, because the town was given money four years ago and thought that it would cost more.

Mr. Edgerton said they use DOT numbers, and the procedures are prescribed by the department which they have to do in order to get the funds.

Chairperson Thomson said Council will look forward to receiving more updates.

10. PUBLIC HEARING - none

11. DISCUSSION

a. Discussion by members of the public (three minutes per person)

Barry Fitzpatrick wanted to know if there were any plans to bring the sidewalk down to the Town Office from the Community Center.

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Chairperson Thomson replied there is no funding at this time.

Mr. Fitzpatrick said there are two old folks communities on that strip and commented that it would be difficult for them to walk here or to the Community Center for recreational activities.

Chairperson Thomson said there is a sidewalk from Foxwell to the KCC and the residents of Meetinghouse Village have to cross the street, so Mr. Fitzpatrick must be referring to the residents of Shepard's Cove. He said it is on the Planning Board radar.

Mr. Fitzpatrick said there is a school bus stop on Rogers Road by the ball fields, but there is no sidewalk to the Community Center.

Chairperson Thomson said there is a sidewalk there.

Mr. Fitzpatrick said he would have to take a closer look.

### 12. UNFINISHED BUSINESS

### 13. NEW BUSINESS

a. Donations/gifts received for Council disposition

b. (090114-1) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Thomson said the total for the warrants is \$359,106.20 and asked Councilor Dennett if he got the opportunity to review the town and sewer payables.

Councilor Dennett responded that he did.

Chairperson Thomson asked Councilor Dennett if he found them to be in the proper format and suitable for payment.

Councilor Dennett replied yes.

Chairperson Thomson said that he reviewed the School Dept. warrants and found them to be suitable for payment.

**IT WAS MOVED BY COUNCILOR SPILLER AND SECONDED BY COUNCILOR PELLETIER TO APPROVE THE DISBURSEMENT WARRANTS. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.**

### 14. COUNCILOR ISSUES OR COMMENT:

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Councilor Brake thanked the Police Dept. for re-routing traffic on Rte. 236. He said people were blowing through the stop signs and a police cruiser was sent up there.

Councilor Brake asked if there was a solution to the Sowerby property.

Town Manager Colbert Puff replied she had information and they will talk about it in an Executive Session.

Councilor Spiller thanked Fuel and More for organizing the River Dance last Saturday.

Councilor Spiller asked about the status of the Economic Development Committee report and the Shoreland Harbor Plan and if they had been included in the Comprehensive Plan update.

Councilor Spiller said both plans would need to be approved by the Town Council and should not be included until approved.

Vice Chair White said at the last meeting, materials were included but not adopted. He said there were supporting materials demonstrating work had been done and became approved before the plan was ready.

Councilor Spiller said that the plans have not been approved.

Vice Chair White said if they were approved, this would be noted on the documents.

Councilor Spiller said there is a sign inside the Wood Island building stating there is a surveillance camera and wanted to know if the Police Department had installed a camera.

Town Manager Colbert Puff said she did not believe there is a camera.

Councilor Denault said they did not want to tell everyone it may or may not work.

Councilor Spiller asked if the sign could be taken down.

Councilor Denault said he was pleased to hear the Town Manager will be participating in the Harbor Master interviews. He said they have laws on the books regarding the Harbor Master and his/her qualifications. He thought this law should be adopted into the process.

Councilor Denault said he has not seen a report from the speed trailer and asked if Council could get a report on some of the "hot" roads. He said there is a computer inside the speed monitor which is capable of producing the report, and he has not seen any in a long time.

Town Manager Colbert Puff replied she would ask to have that done.

Councilor Denault said he heard from residents complaining about a speeding problem in town and how it was solved by having the Eliot police officers come down. He shared a story how when he first started with the Police Dept. there were complaints received about speeding and

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it turned out to be the residents who lived on the road. He said there is an increase in warnings being given, but there are only two police officers who cover that.

Councilor Denault asked how the town is doing with the boat bids.

Town Manager Colbert Puff responded they only received one bid.

Councilor Denault asked when does the bidding close.  
Maryann Place replied on the 15<sup>th</sup>.

Councilor Denault announced to the general public that this is a good deal to get a great boat for a great price.

Councilor Denault said the Gillette carpet is still at the Transfer Station and could they sell it to the School Dept. He said he would like to see it gone.

### 15. COMMITTEE AND OTHER REPORTS:

#### a. Communications from the Chairperson

Chairperson Thomson Council received a letter from Comcast regarding payment for the franchise agreement and asked if the Town Manager could notify Mr. Christiansen that the Town of Kittery does not have a Board of Selectmen and have not had any since 1967.

Town Manager Colbert Puff said she would.

Chairperson Thomson said in reviewing the zoning in Title 16, it mentions a Foreside Design Review Advisory Committee, which had been established at some point. He asked if they are out of existence or are they one in the same. He wanted to know if they were supposed to have this group because he has not appointed anyone to that committee.

Town Manager Colbert Puff replied that the Foreside Committee was established by the Town Council, sometime in the 90's, and served as the design review committee, so they were one and the same at some point. She said the Foreside Committee has since been disbanded, so they are no longer in existence.

Town Manager Colbert Puff said there is still a reference in Title 16 to the Kittery Foreside Design Review Committee – which acts as an advisory board to the Planning Board. She said that she has an opinion from the Town Attorney as to their existence in Title 16 in addition to stating it is disbanded and there has been no successor committee.

Town Manager Colbert Puff said she has a few concerns the way it was set up and this can send this out to Council so they can discuss this again.

Chairperson Thomson reminded everyone about the workshop with the Port Authority at 6 p.m. on Monday evening.



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Chairperson Thomson said that on Wednesday, September 24<sup>th</sup>, there will be a meeting here in the Council Chambers at 6 o'clock. He said they were able to convince some representatives from the State Department involved with the J1 Student Worker program to meet with those of us who are trying to develop a program for the students. He said the Committee still has a lot of questions, which is why they wanted to hold a meeting.

Chairperson Thomson had contacted Senator King's office and they were helpful to him in finding someone to speak to anyone interested in this program. He said most of the students have departed for their homes, but there are still some students who will be attending the meeting.

Chairperson Thomson said anyone interested or who had contacts with the students are welcome to attend this meeting on September 24<sup>th</sup> here, at the Town Hall.

Chairperson Thomson said the next Foreside Forum will be held on Monday, September 29<sup>th</sup> at the Kittery Community Center at 7 p.m.

Chairperson Thomson said there will be a Special Meeting on September 18<sup>th</sup> at 6 p.m. to establish the tax rate for the FY'15 tax bills.

Chairperson Thomson said the Town Manager had contacted the Rice Library Board of Trustees, who made a presentation at the last KCC Board of Directors meeting. He said they have another proposal to bring forward and would like them to meet with Council, since the town funds 90% of their budget. He said he is looking at 6 o'clock on Monday, October 20<sup>th</sup> for the meeting with the Rice Library Board of Trustees.

### b. Committee Reports

Councilor Spiller said she posted the agenda in advance of the Wood Island Advisory Committee (WIAC) meeting and also posted the minutes. She said there are some topics that need to be discussed with Wood Island Life Saving Association and they need to meet on Saturday, September 27<sup>th</sup> at 4:00 p.m. at the Kittery Town Hall.

Councilor Spiller said topics for discussion include: emergency repairs on the structure, status of the brownfields project, permitting and WILSA applying for Federal funding to cover the costs. She said there is a grant that needs to go through WIAC to review.

16. EXECUTIVE SESSION:

17. ADJOURNMENT:

**IT WAS MOVED BY COUNCILOR SPILLER AND SECONDED BY COUNCILOR DENAULT TO ADJOURN THE MEETING AT 7:45 PM. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED.**

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